

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

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TETEE BOYD and EDWARD DOSSANTOS,

Plaintiffs,

-against-

CITY OF NEW YORK, CARL WATSON, DAVID LIPPERT,
MATTHEW REGINA, and JOHN and JANE DOE 1 through
10, individually and in their official capacities, (the names John
and Jane Doe being fictitious, as the true names are presently
unknown),

Defendants.
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**STIPULATION AND
ORDER OF
SETTLEMENT OF
ATTORNEYS' FEES**

10 CV 2096 (SLT) (RML)

WHEREAS, plaintiffs commenced this action by filing a complaint on or about March 7, 2010 and an amended complaint on November 11, 2010, alleging that the defendants violated plaintiffs' federal civil and state common law rights; and

WHEREAS, plaintiffs have accepted offers of judgment pursuant to Federal Rule of Civil Procedure 68 whereby plaintiffs were to receive \$7,501.00 each plus reasonable attorneys' fees, expenses, and costs arising out of their claims asserted pursuant to 42 U.S.C. § 1983, to the date of the offer; and

WHEREAS, pursuant to the General Releases executed concurrently herewith, plaintiffs Tetee Boyd and Edward Dossantos assigned their rights to attorneys' fees, costs, and expenses to their counsel, Brett Klein, Esq.; and

WHEREAS, counsel for plaintiffs and defendants now desire to resolve the issue of all attorneys' fees, costs, and expenses, without further proceedings; and

NOW, THEREFORE, IT IS HEREBY STIPULATED AND AGREED, by and between the undersigned, as follows:

1. The above-referenced action is hereby dismissed against defendants, with prejudice, and without costs, expenses, or attorneys' fees in excess of the amount specified in paragraphs "2" below.

2. Defendant City of New York shall pay to counsel for plaintiffs, **Brett Klein, Esq.**, the sum of **Fourteen Thousand Dollars (\$14,000.00)**, in full satisfaction of all claims for attorneys' fees, expenses, and costs in this matter. Counsel for plaintiffs hereby agrees and represents that no other claims for attorneys' fees, costs, or expenses arising out of this action shall be made by or on behalf of plaintiffs Tetee Boyd and Edward Dossantos in any application for attorneys' fees, costs, or expenses at any time.

3. Nothing contained herein shall be deemed to be an admission by the defendant that it has in any manner or way violated plaintiffs' rights, or the rights of any other person or entity, as defined in the constitutions, statutes, ordinances, rules or regulations of the United States, the State of New York, or the City of New York or any other rules, regulations or bylaws of any department or subdivision of the City of New York. This stipulation shall not be admissible in, nor is it related to, any other litigation or settlement negotiations.

4. Nothing contained herein shall be deemed to constitute a policy or practice of the City of New York or any agency thereof.

5. This Stipulation and Order contains all the terms and conditions agreed upon by the parties hereto, and no oral agreement entered into at any time nor any written agreement entered into prior to the execution of this Stipulation and Order regarding the subject matter of the instant proceeding shall be deemed to exist, or to bind the parties hereto, or to vary the terms and conditions contained herein.

Dated: New York, New York
_____, 2012

Brett Klein, Esq.
Attorney for Plaintiffs
Leventhal & Klein LLP
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Brooklyn, NY 11201

MICHAEL A. CARDOZO
Corporation Counsel of the City of New York
Attorney for Defendants
100 Church Street, Room 3-149
New York, New York 10007

By: 

BRETT KLEIN, ESQ.

By: 

CECILIA A. SILVER
Assistant Corporation Counsel

4/23/12

SO ORDERED:

THE HONORABLE SANDRA L. TOWNES
UNITED STATES DISTRICT JUDGE